App. F. IX-4

1929-30

File No. 28/29

Previous References
Mid. 16-96-1414

Serial Nos. 1404

Later References
GB 114-31-120

Reserve

General and Revenue Secretariat.

Serial Nos. 1404

Part B for Sept. 1929

SUBJECT

Correspondence with Dr. G. M. Dominick, Superintendent, Public Health Institute in the matter rendering services to private persons or firms outside the State

To The Sanitary Comm. in Physn
No. 953 dt 11/9/29.

States that Dr. Dominick was not right in undertaking the outside work without sanction but that as he acted under a bona fide mistake he may be allowed to retain the fee in present case & warned against taking up such work in future without due sanction.

Serial No.

1

From the Sanitary Commissioner
D.O. C. 1152-6 d. 23.7.29

Forwards copies of certain correspondence with Mr G. M. Dominick Superintendent P. H. Institute in the matter of rendering service to private persons or firms outside the State, and requests orders on certain issues arising therefrom.

Submitted for orders with references quoted.

The facts of the case are:—

Mr. Dominick, Supdt, Public ~~Health~~ Institute undertook private work for a firm at Pennamalai (Madras) without the permission of the Sanitary Commissioner. The ~~Sanitary Comr~~ Supdt says that under the Rules issued with G.O. No 1684 | Mis F. 26-96 dt 14/4/1902 and No 11665 | Mis F 26-96 dt 17/3/1898 he is at liberty to undertake private work to make analysis and bacteriological examn for private persons. The Sanitary Comr. considers that these Rules apply only to private persons within the State and not to those outside the State. He wants a definite ruling on the

26/7/29

Note—Contn. Sheet

WD 01684—GPB—30,000—20-4-29

C-D384

App. F. III—2]

General and Revenue Secretariat | File No. | of 192

Serial No.

Matter for further Guidance.

Letter with Reference. Usual Reference is invited to the Public Servants Conduct Rules also (Vide page 73 Section 26 of the Manual of Govt Circulars and Standing orders). Under this a Govt Servant must obtain permission of the Head of his Office for undertaking private work.

hw
29/7/29

It seems to me that if an Officer takes leave for the purpose of taking up private work - in the present case the Officer leaves his headquarters & goes all the way to Calcutta & also sends his resignation - he Shd: report the matter to his superior

3rd member
Fin' Secy

RG
29/7/29

I have no doubt that the action of Dr. G.M. Dominick in having taken up private work at Poonamale without the knowledge of his official superior and the sanction of Government was irregular.

The general permission given under clauses (IV) and (VI) of the Notification of 14th April 1902 (flag I) to the Chemical Examiner and Bacteriologist to

Note—Contn. Sheet

WD 01684—GPB—30,000—20-4-29

Serial No.

to undertake analysis and Bacteriological examinations for private persons on payment of fee seems to refer to work done in addition to his ordinary duties. As observed by the Chief Secretary this notification can by no means be construed as sufficient authority to Dr. Dominick to leave headquarters and take up private work outside the State on his own initiative.

The provisions in the Mysore Service Regulations and the Public Service Conduct Rules are very clear in this matter. These rules require that the permission of the Head of the office or of the Government as the case may be should be obtained by every Government servant undertaking private work for remuneration. This fundamental rule has been violated in this case.

In the circumstances explained in the correspondence, particulars of work done and of the remuneration promised or paid by the outside Firm may now be obtained. On receipt of this information Government may decide as to whether the officer might be permitted to retain the fee either wholly or partially and whether the pay drawn by him during the period should or should not be credited to Government.

A

30.7.29

Please get them obtained first — Dr. Rajan.

No other material necessary to go forward.

30/7/29

Draft Passed.

31/7/29

WD 01684—GPB—30,000—20-4-29

Serial No.

For perusal before issue
Rg
Agreed — 3/8/29.
Sec
5.8.29
Rg
6/8/29.
Asst

1449/5/8

2. To Mr. J. V. Rowe, Sanitary Comm. in Mysore
D.O. No. 563/C.B. dt 6/8/29
calls for certain particulars in respect of
the specific concessions in Sl. No.

Sees

3 From the Sany. Comr
Do C.1152 d. 8.8.29
Furnishes the information called for.

The fees realised come up to Rs 1807.

Rg
26/8/29

Submd
Cfd
17/8/29

CHIEF SECRETARY
7 AUG. 1929

Fit Gazette
Comts.

28/8/29

FINANCIAL SECRETARY
28 AUG. 1929
2612.

Seen. Thanks.
May be submitted to
the members for orders.
28/8/29

For orders.
Rg
29/8/29.

3rd Member

Note—Contn. Sheet

WD 01684—GPB—30,000—20-4-29

Serial No.

~~Dr Dowo~~ under the existing rules the Supdt of Vet Institute is authorised to do ~~work for~~ analyses of samples of work for private persons at the Institute & receive a fee, crediting a percentage to pay to Govt the cost of chemicals &c. I do not think this ~~provision~~ applies to cases in which the Supdt or his subordinates have to go outside his office to collect samples &c — taking leave for the purpose. ~~Under the~~ such work cannot be undertaken without the specific permission of the Govt of the Dept. The rules on the subject are perhaps not very definite. ~~Dr~~ Dr Dominick appears to have acted ~~ultra~~ vires. He has explained unofficially that ~~D~~ the work mentioned in our Institute & the well-known Pasteur Filter Co, ~~Ltd~~ in the suppression of Worm by the Institute of Science that in undertaking the work he did not imagine that he was violating any rule. He may be warned against accepting such work without due sanction. He may also be told to pay to Govt the cost of chemicals &c. deducting the percentage due to him.

Draft 30.8.29

Draft submd. 30/8/29

CSA 2/9/29

OFFICE SECRETARY
2 SEP 1929

2261/30/8

Note—Contn. Sheet

M&D 01684—GPB—30,000—20-4-29

General and Revenue Secretariat

File No. 2876 of 1929

Serial No.

DEWAN'S OFFICE
10. SEP. 1929
No. 1125

For perusal before issue

RR 9/9/29.

Dewan

9-9-29

RR 9/9

4 To the Sanc Comr
No 953 d. 11-9-29

States that Dr. Dominick was not ~~authorised~~ right in undertaking the outside work without sanction, but that as he acted under a bona fide mistake he may be allowed to retain the fee in present case and warned against taking up such work in future without due sanction.

Note—Contn. Sheet

WD 01684—GPB—30,000—20-4-29

Confidential

D.O. No. C 1152-6
1928-29
GB. Urgent
23/7/29.

Office of the Sanitary Commissioner
with the Government of Mysore

Bangalore Dated 23rd July 1929

CB 3824
CB. 28-29-1

Dear Sir,

I am submitting herewith for the information of Government copies of the correspondence which has passed between me and Mr. G.M.Dominick, Superintendent, Public Health Institute, in the matter of rendering service to private persons or Firms outside the State.

The case is briefly this. The Superintendent applied for a couple of days' casual leave on the 3rd and 4th of May with permission to utilise the following Sunday. This was sanctioned. In the course of conversation with him on the 1st May, he told me that the leave was to enable him to go to Poonamalle(Madras), to look into some water question, and that his assistant Mr. Parthasarathy Iyengar had also gone there previously on the same work. Further enquiry elicited the information that the analytical work undertaken was for a private Firm who wanted his opinion about certain filtration plant they had installed at Poonamaly, that Mr. Parthasarathy Iyengar assisted him in the work on four previous occasions, and that he had granted the assistant leave for the purpose, that it is usual to accept analytical work for private firms and if he receives any remuneration he would credit to Government the prescribed 4 per cent.

The points that arise out of the correspondence are a one others. -

(a) whether a Mysore Government public servant can accept work for private persons or firms outside the State without the express permission in each case of either the Government or the head of the Department to which he is subordinate.

(b) whether he can, similarly without permission, depute on his own responsibility any of his subordinates granting them leave.

(c) whether the rules, as they now stand, authorise an officer to do so.

(d) whether private engagements, will not interfere with his legitimate duties upon which the State has the first claim, and not at the same time tend to undermine efficiency and descipline alike.

The Superintendent explains that as the Government Order published under notification No. 16841/Mis. F. 28-96 of the 14th April 1902, did not specifically restrict analytical work to be rendered to private persons, he did not consider it necessary to obtain previous sanction. Rule VI of the order on which he seems to take his stand, does not bear out the interpretation put upon it, to enable him to accept service from private persons or Firms outside the State, bearing in view that the rules are only meant to apply to cases arising within the State.

It goes without saying that the State expects every one of its servants to unhold its prestige and honour, and to enhance it. There is therefore no necessity to dwell upon and examine the rather ingenious plea advanced by the Superintendent of upholding the prestige of the State to justify the acceptance of orders from private persons or firms outside the State without the express permission of competent authorities.

Rules framed under Article 51(a) Chapter IV, additions to salary and deputations, have no doubt on the point at issue.

Rule (a) (i) expressly lays down that private orders or work should be undertaken with the knowledge and sanction in writing of the head of the Department of the officer concerned, and (2) that the head of the Department should certify that the work or works can be undertaken without detriment to the official duties of the officer.

The plea of prestige can find no place where rupees, annas and pies are involved. While the Government generously allows

allows an officer to appropriate 96 per cent of the remuneration if any, it is content with only 4 per cent for itself. In these days of hard struggle for life, it is again two much to expect an officer to do either philanthropic work or accept service outside the State, solely for the sake of prestige of the State.

The basis of acceptance of service outside the State may be summoned up in three words, knowledge, sanction and certificate. No acceptance can be said to be valid unless these three essential ingredients are present in it. Mr. Dominick does not seem to have applied his mind carefully to the rules and to the intention of Government, before he took action.

What I am immediately concerned with, is the application of the rules under similar circumstances in future, and the efficiency descipline and satisfactory performance of the legitimate duties of the Department. It is with this object in view that I have now placed the matter before Government. Should the Government be pleased to hold that the rules in force are not sufficiently comprehensive to cover also cases arising outside the State and permit me to take action, I shall approach them separately in the matter.

Yours Sincerely,

J. Rama Rao

Bankers Commissioner

T. Ranga Rao Esq., B.A., B.L.,
Offg Chief Secretary to the Government of
H.H. the Maharaja of Mysore, Bangalore.

Enclosures to D.O. letter No. C. 1152-6/28-29 tendent,
ssioner
dated the 23rd July 1 9 2 9.

I beg to request that I may kindly be permitted to avail myself of 2 days casual leave on Friday and Saturday the 3rd and 4th instant and also Sunday the 5th instant.

Letter No. C. 1152-2 dated 2nd May 1929 from the Sanitary Commissioner with the Government of Mysore to the Superintendent, Public Health Institute, Bangalore.

With reference to his Letter No. 1385 dated 1st May 1929 Dr. G.M. Dominick, Superintendent, Public HealthInstite is granted two days' casual leave onthe 3rd and 4th instants with permission to avail the following Sunday.

Dr. B. Parthasarathy Iyengar, Assistant to the Superintendent will be in charge of the duties during his absence.

D.O. No 1152-3 dated 8th May 1929 from the Sanitary Commissioner withthe Government of Mysore tothe Superintendent, Public HealthInstitute,Bangalore-

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On the 1st instant in my office, you mentioned that you were availing yourself of two days leave on the 3rd and the 4th and Sunday the 5th instants and that the purpose of the leave was to go to Pallavaram tolook into some water question. You also said that Mr. Parthasarathy Iyengar had also gone to the place on the same work previously.

I gathered that the Pallavaram authorities are remunerating you and your assistant for the work done.

Would you please let me know if this is the first time you are undertaking any such work or there have been precedents and if it is not necessary that you should obtain necessary sanction for undertaking it.

Did your assistant go on leave or on duty. If on leave how is it you have not reported the matter to me.

D.O.No. 1435 dated 14th May 1929 from the Superintendent, Public Health Institute, Bangalore to the Sanitary Commissioner with the Government of Mysore, Bangalore.

In acknowledging the receipt of your D,O. No. 1152-3 dated 8th May 1929, I write to state that the analytical work I undertook was for a private firm who wanted my opinion about a Filteration plant they had installed at Poonamallee. I should certainly have obtained previous sanction if I had to do the work for any Provincial or Government outside Mysore but as the Firm represented purely a private concern there was no occasion to bring the matter to your notice officially. I have not yet received any fee but when I get it I shall credit the prescribed percentage to Government, as in the case of all private samples examined in the Public Health Institute.

Mr. Parthasarathy Iyengar also is assisting me in the work. He has had to go to Madras on 4 occasions and each time he applied for and obtained a day's casual leave.

I need hardly add that it is usual to accept analytical work from private firms and that up till now numerous samples of disinfectants, Inks, & &c., submitted by them have been examined and reported upon. Four percent of the fee has in all these cases been credited to Government.

D.O. No. C. 1152 dated 29th May 1929 from the Sanitary Commissioner with the Government of Mysore to the Superintendent, Public Health Institute, Bangalore.

Your D.O. No. 1435 dated the 14th May 1929. Would you please refer me to any Government Order or Departmental Orders authorising you or your Assistant to visit places outside the State and render to private firms service on remuneration, without obtaining previous sanction.

The Government Order No. 16841/Mis. F. 28-96 dated 14th April 1902 clause (VI) permits you to make analyses and bacteriological examination for private persons, charging fee according to scale fixed by Government. This does not mean that you or your assistant can go out and give service.

If there are any subsequent orders I should be glad to know.

D.O.No. 7 dated the 3rd July 1929 from the Superintendent, Public Health Institute, Bangalore to the Sanitary Commissioner with the Government of Mysore, Bangalore.

Your Office No. C. 1152 dated the 27th June 1929.

This is the first occasion on which work from outside was ever undertaken by me and as the Government Order of 1902 did not specifically restrict analyses for private persons to within the limits of the State, I did not consider it necessary to obtain your previous sanction. As far as I am aware, too, there is no restriction for say a private individual from Mysore getting a Bacteriological examination done at the King Institute Guindy, onpayment.

I may add further that I did not canvas for the analytical work that came up from Pallavaram and when it did come, considerations of the prestige of the Institute induced me to take it up.

I shall invariably in future report to you previously, if any analytical work is sent up to the Institute from outside the Stat .

" C O P I E S "

SANITARY COMMISSIONER M.G.

CHAPTER IV.- Additions to Salary and Deputations.
MYSORE SERVICE REGULATION.

Addition to Salary.

x x x x

Article. 51.(a)Any officer may receive a fee from a private person or private body, or a public body whose funds are not administered by Government for work done for it; provided:-

(1) he has undertaken the work with the knowledge and sanction in writing of the Head of his Department.

(2) that the Head of the Department certifies that it canbe carried out without detriment to his official duties; and

(3) that the acceptance of a fee and the amount of the fee are approved by the authority having under clause (c) power to sanction its acceptance.

(b) When the work undertaken for a private body is such that it must be done during the time which would otherwise be employed in the service of Government, the fee should be credited to Government; but the authority having power under clause (c) may grant to the officer concerned the whole or such portion of the fee realized as it may deem suitable.

Note:- Government officers who serve as Directors of Joint Stock Companies, by virtue of their official position, should credit to Government any fees which they may receive for attending Directors' Meetings. Where necessary they will be allowed to draw, on such occasions, travelling allowance as on duty.

(c) The powers of sanction of the several authorities in the case of each fee under clauses (a) and (b) are as follow:-

Up to Rs. 50-The Head of the Department.
Above Rs. 50-Government.

(d) This rule does not apply to Medical Officers who are allowed to accept fees from private persons for professional attendance subject only to the orders contained in the Government Proceedings No.571-621-Med. 83-15-9, dated 18th July 1916.

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No. 16841/Mis. F. 28-96.

Office of the Dewan of Mysore,

Dated, Bangalore, 14th April 1902.

NOTIFICATION.

The following Rules relative to the examination of substances by the Chemical Examiner and Bacteriologist to the Government of Mysore, are published for general information:—

DUTIES OF THE CHEMICAL EXAMINER AND BACTERIOLOGIST, GOVERNMENT OF MYSORE.

(i) The Chemical Examiner and Bacteriologist to Government shall examine, chemically or bacteriologically, or in both ways as may be requisitioned, all substances sent for medicolegal purposes by Magistrates, or Police officers not below the rank of Assistant Superintendent, or Medical Officers on the receipt of an order from a Magistrate, or Police Officer not below the rank of Assistant Superintendent of Police.

(ii) He shall also analyse, in such manner as may be required articles of food and drink sent to him by Municipalities, Local Fund Boards, and by Heads of Departments. Should a Departmental officer who is not the head of the Department, require such articles examined for sanitary purposes, he shall obtain the sanction of the Head of his Department before sending them to the Laboratory.

(iii) He is analyst to the Excise Department.

(iv) He is not required to analyse gratis samples of food and drink, or any other articles tendered by private parties, not even articles tendered to Government Departments. If such analysis be at any time required, the parties tendering shall pay the Chemical Examiner the usual fee payable for private work.

(v) Pending the organisation of a Clinical Laboratory, he shall make such bacteriological and pathological investigations as may be required by any Gazetted Medical Officer holding an independent charge.

(vi) He is at liberty to make analyses and bacteriological examinations for private persons, charging fees according to the scale and on the conditions laid down by Government Proceedings No.11665/Mis. F. 28-96 of 17th March 1898.

By Order,
H. V. NANJUNDAYYA,
Secretary to Government,
Gen. & Rev. Depts.

563/ CB. 28-29-2

Confidential

6/8/29

ISSUED.

Dear Mr. Karve

With reference to your Confl. D.O. letter No. C. 1152-6 dated 23rd July 1929 I am desired to request you to kindly furnish the following particulars in respect of the Specific case referred to —

(i) Details of ~~work~~ work done by Mr. G. M. Dominick and Mr Parthasarathy Iyengar for the outside firm.

(ii) Remuneration paid or promised for the work.

An early reply is requested

Yours Sincerely

RG
JB

J.V. Karve Esq
Sanitary Commr

D.O Letter No. 204 dated 15th August 1929 from the Superintendent, Public Health Institute to the Sanitary Commissioner with the Government of Mysore, Bangalore.

Referring to your D.O. Letter No. C. 1152-7 dated 14th August 1929, I beg to furnish the information called for as follows:-

1. The samples of Filtered water of Melpakam Collected by my assistant Mr. B.Parthasarathy Iyengar, on 4 different occasions and the last collection of the fifth and the sixth samples of Filtered and Unfiltered waters respectively by me were examined both chemically and Bacteriologically.

2. The fees paid for the work is Rs. 180/-

" C O P Y "

SANITARY COMMISSIONER M.G.

CB 736.
CB. 28-24-3

CONFIDENTIAL MYSORE PUBLIC HEALTH DEPARTMENT.

D. O. No. C 115 2-9
1 Encl I

Telegram—SENORGEN.
Telephone—No. 27,

OFFICE OF THE SANITARY COMMISSIONER WITH THE GOVERNMENT OF MYSORE,

Bangalore, dated the 15 8 1929.

J. V. KARVE, Esq., M.B., Ch.B., D.P.H.,
Sanitary Commissioner.

RC 16/8/29

DEAR Mr. Ranga Rao,

In reference to your D.O. Letter No. 563/C.B. 28-19-2 dated 6th August 1929 requesting to be furnished with information as to the details of work done by Mr. G.M. Dominick and Mr. Parthasarathy Iyengar for the outside Firm and the remuneration paid or promised for the work, I enclose herein a copy of letter No. 204 dated 15th August 1929 from Mr. G.M.Dominick furnishing ~~[illegible]~~ the information called for ~~[illegible]~~.

Yours Sincerely,

J. V. Karve

R.Ranga Rao Esq., B.A., B.L.,
Offg. Chief Secretary to the Government of
H.H. the Maharaja of Mysore, Bangalore.

953 / CB-28-29-4

7/11/9/29

Dear Mr. Karve,

With reference to the correspondence ending with your D.O. letter No. C.1152-9 dated 15th Aug. 1929, I am desired to state that under the existing rules the Superintendent, P.H. Institute is only authorised to do analyses of samples for private persons at the Institute, and receive fees therefor crediting the prescribed percentage to Government. This authority does not extend to cases in which the Superintendent or his subordinates have to go outside their offices to collect samples, taking leave for the purpose, and such work should not have been undertaken without the specific permission of the Head of the Department.

The rules are not however very explicit and Dr. Dominick appears to have acted, in the present instance, in the bona fide belief that ~~no~~ not permission of higher authority was required in the matter. In the circumstances he may be allowed to retain the fee now received by him (deducting the percentage ~~to be credited~~ due to Govt.), and warned against accepting outside work in future without due sanction.

Yours sincerely,

J.V. Karve, Esq., M.B., Ch.B(Edin.), D.P.H.,
Sanitary Commr., in Mysore.